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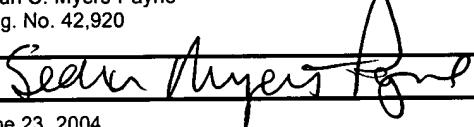
**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM  (to be used for all correspondence after initial filing)	Application Number	10/050,121	
	Filing Date	January 18, 2002	
	First Named Inventor	Randolph M. Howes	
	Art Unit	1616	
	Examiner Name	Frank I. Choi	
Total Number of Pages in This Submission	8	Attorney Docket Number	29794/04001

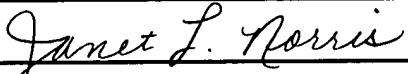
ENCLOSURES (Check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):	<input type="checkbox"/> Remarks  Statement in Support of Petition to Make Special (four pages) Return receipt postcard

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Sean C. Myers-Payne Reg. No. 42,920
Signature	
Date	June 23, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Janet L. Norris		
Signature		Date	June 23, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

Application Number	10/050,121
Filing Date	January 18, 2002
First Named Inventor	Randolph M. Howes
Examiner Name	Frank I. Choi
Art Unit	1616
Attorney Docket No.	29794/04001

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None

 Deposit Account:

Deposit Account Number  
  
 Deposit Account Name

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee  
 to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	<input type="text"/>
1002 340	2002 170	Design filing fee	<input type="text"/>
1003 530	2003 265	Plant filing fee	<input type="text"/>
1004 770	2004 385	Reissue filing fee	<input type="text"/>
1005 160	2005 80	Provisional filing fee	<input type="text"/>
<b>SUBTOTAL (1) (\$)</b>			

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims	Fee from below	Fee Paid
<input type="text"/> -20** = <input type="text"/> X <input type="text"/> = <input type="text"/>		
<input type="text"/> - 3** = <input type="text"/> X <input type="text"/> = <input type="text"/>		
<input type="text"/> = <input type="text"/>		

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>		

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	<input type="text"/>
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	<input type="text"/>
1053 130	1053 130	Non-English specification	<input type="text"/>
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	<input type="text"/>
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	<input type="text"/>
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	<input type="text"/>
1251 110	2251 55	Extension for reply within first month	<input type="text"/>
1252 420	2252 210	Extension for reply within second month	<input type="text"/>
1253 950	2253 475	Extension for reply within third month	<input type="text"/>
1254 1,480	2254 740	Extension for reply within fourth month	<input type="text"/>
1255 2,010	2255 1,005	Extension for reply within fifth month	<input type="text"/>
1401 330	2401 165	Notice of Appeal	<input type="text"/>
1402 330	2402 165	Filing a brief in support of an appeal	<input type="text"/>
1403 290	2403 145	Request for oral hearing	<input type="text"/>
1451 1,510	1451 1,510	Petition to institute a public use proceeding	<input type="text"/>
1452 110	2452 55	Petition to revive - unavoidable	<input type="text"/>
1453 1,330	2453 665	Petition to revive - unintentional	<input type="text"/>
1501 1,330	2501 665	Utility issue fee (or reissue)	<input type="text"/>
1502 480	2502 240	Design issue fee	<input type="text"/>
1503 640	2503 320	Plant issue fee	<input type="text"/>
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	<input type="text"/>
1806 180	1806 180	Submission of Information Disclosure Stmt	<input type="text"/>
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	<input type="text"/>
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	<input type="text"/>
1801 770	2801 385	Request for Continued Examination (RCE)	<input type="text"/>
1802 900	1802 900	Request for expedited examination of a design application	<input type="text"/>
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid		<b>SUBTOTAL (3) (\$)</b>	130.00

(Complete if applicable)

SUBMITTED BY			
Name (Print/Type)	Sean C. Myers-Payne	Registration No. (Attorney/Agent)	42,920
Signature		Telephone	(614) 621-7754
		Date	June 23, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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AF 1616  
JFW

PATENT  
Customer No. 27874  
Attorney Docket No. 29794/04001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Randolph M. Howes ) Group Art Unit: 1616  
Application No.: 10/050,121 ) Examiner: Frank I. Choi  
Filed: January 18, 2002 ) Attorney Docket No.: 29794/04001  
For: Compositions, Apparatuses, And )  
Systems for Singlet Oxygen )  
Delivery )

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO MAKE SPECIAL**  
**UNDER 37 C.F.R. § 1.102(d) AND M.P.E.P. § 708.02(X)**

In accordance with 37 C.F.R. § 1.102(d), Applicant hereby petitions the Commissioner of Patents and Trademarks to make this application special and receive accelerated examination. Applicants are enclosing a check for \$130.00 to cover the fee for this Petition as set forth in 37 C.F.R. § 1.17(h).

As set forth in M.P.E.P. § 708.02(X), in view of the importance of developing treatments and cures for HIV/AIDS and cancer and the desirability of prompt disclosure of advances made in these fields, the U.S. Patent and Trademark Office will accord "special" status to patent applications relating to HIV/AIDS and cancer. The attached Statement explains how the invention contributes to the treatment or prevention of cancer.

Applicant notes that up to this point in prosecution, Applicant has taken every step possible (short of petitioning to make this application special) to expedite the prosecution of this application. The application was filed January 18, 2002. A Restriction/Election requirement was mailed by the Office March 26, 2003; Applicant filed a response within one month. A first Office Action was mailed July 15, 2003; Applicant filed a response on August 25, 2003. A final Office Action was mailed December 3, 2003; Applicant responded January 30, 2004. The Office mailed an Advisory Action February 17, 2004; Applicant filed a Notice of Appeal February 25, 2004.

In view of the foregoing and the attached Statement, Applicant respectfully submits that the requirements of M.P.E.P. § 708.02 (II) have been met. Accordingly, Applicant requests that this Petition to Make Special be granted and that this case be considered as quickly as possible.

Please grant any extensions of time required to enter this Petition and charge any additional required fees to our deposit account 03-0172.

Respectfully submitted,

Date: June 23, 2004

  
Sean C. Myers-Payne  
Reg. No. 42,920  
Phone: (614) 621-7754  
Fax: (614) 621-0010  
E-mail: [smyers-payne@calfee.com](mailto:smyers-payne@calfee.com)



PATENT  
Customer No. 27874  
Attorney Docket No. 29794/04001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Randolph M. Howes

Application No.: 10/050,121

Filed: January 18, 2002

For: Compositions, Apparatuses, And  
Systems for Singlet Oxygen  
Delivery

)  
) Group Art Unit: 1616  
)  
) Examiner: Frank I. Choi  
)  
) Attorney Docket No.: 29794/04001  
)  
)

Mail Stop Petition  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL**

I, Randolph M. Howes, am the sole named inventor and sole owner in the above-identified application. I understand that this statement is being submitted in support of a Petition to make this application special.

The production of concentrations of singlet oxygen in the vicinity of a tumor can result in the destruction of at least part of that tumor tissue. This concept has been used in photodynamic therapy of cancers, where a photoactivatable compound is concentrated in and/or around tumor tissue and then activated with light energy. The singlet oxygen produced upon photoactivation produces the desired effect.

The present invention also involves the production of singlet oxygen, but uses a simpler technique by combining a source of peroxide and a source of hypochlorite. Example 1 of the

application, which begins on page 50, shows how the inventive technique is used to remove a pre-cancerous keratosis lesion. Although not yet cancerous, actinic or solar keratosis can be the first step in skin cancer. The results obtained in Example 1 show how keratosis lesions can be removed with this invention. By such treatment, keratosis lesions, or even more advanced cancers can be removed using the same method.

Additional results from working examples of the present invention are provided in a continuing application based on this application (*i.e.* Application No. 10/331,773). Reference is made to Example 2 (pages 89-92), which demonstrates additional treatments of keratoses; Examples 6 and 7 (pages 95-99), which demonstrate the treatment of an equine carcinoma with the invention; and finally, to Example 13 (pages 103-105), which shows treatment of tumors in a mouse model of human cancer. Each of these examples provides additional proof of the concept of the presently disclosed invention.

I am aware that willful false statements and the like are made punishable by fine or imprisonment or both, under § 101 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this patent application or any patent resulting thereof, and I hereby declare that the foregoing statements of fact set forth below are true.

Respectfully submitted,

Date: \_\_\_\_\_

**Dr. Randolph M. Howes**



PATENT  
Customer No. 27874  
Attorney Docket No. 29794/04001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Randolph M. Howes ) Group Art Unit: 1616  
Application No.: 10/050,121 ) Examiner: Frank I. Choi  
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Mail Stop Petition  
Commissioner For Patents  
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Respectfully submitted,

Date: 6/21/04

Randolph M. Howes  
Dr. Randolph M. Howes